IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 483 (SB) of 2002

1. Mr. R.N. Sahani, S/o Sri K.R. Sahani, R/o 494, Mohalla Khurbura, District – Dehradun.
2. Mr. J.C. Rawat (since deceased) through his Smt. Kusum Rawat, R/o 13, Kannan Kunj, Sahastradhara Road, District – Nainital.
3. Sri Chatur Singh Negi, S/o Sri Kripal Singh, R/o Village – Amri, Post – Dhayuli Vaya Lakshma Jhoola, Pattiwala, Upaipuri, District – Pauri Garhwal.
4. Sri V.K. Garg, S/o Mr. Salekh Chandra, R/o 59, Chaman Vihar, Sharanpur Road, Niranjanpur, Post – Majra, District – Dehradun.
5. Sri K.S. Rawat, S/o late Sri Prem Singh Rawat, R/o Village Daang Post Office Dayula Patti Bhandar Syun, District – Uttarkashi.

…. Petitioners.

Versus

1. Directorate of Pension, State of U.P., Lucknow, Indira Bhwan, 8th Floor, Ashok Marg, Lucknow.
2. Managing Director, U.P. State Road Transport Corporation, Tehari Kothi, UPSRTC, Lucknow.
3. Finance Controller, U.P. state Road Transport Corporation, R/o Tehari Kothi, UPSRTC, Lucknow.

….Respondents.

Hon'ble M.M. Ghildiyal, J

Heard Sri Sharad Sharma learned counsel for the petitioner and Sri A. N. Sharma learned counsel for the respondents.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondents to resettle the retirement benefits to the petitioners after granting the benefit of revised pay scale of 5th Pay Commission.

Learned counsel for the petitioners has submitted that petitioners no. 1 to 5 were retired on 31.01.1998, 31.12.2000, 31.07.1997, 31.07.2001 and 31.05.2000 respectively. They agitated their grievances for grant of post retirel benefit after taking into consideration and fixing the same in view of the recommendation of 5th Pay Commission. However, no action has been taken by the respondents.

Learned counsel for the petitioners has submitted that the present controversy by has already been settled by this court vide judgment and order dated 01.11.2006 passed in writ petition no. 484 (SB) of 2002 (Harshmani Nautiyal and others Vs. Directorate of Pension and others)

Since the present controversy is squarely covered by the aforesaid judgment consequently, writ petition is disposed of on the same terms and observations made in the judgment and order dated 01.11.2006 passed by this court in writ petition no. 484 (SB) of 2002 (Harshmani Nautiyal and others Vs. Directorate of Pension and others).

Writ petition as well as Stay application no. nil of 2002 is disposed of accordingly. No order as to costs.

(M.M. Ghilidyal, J)

November 27, 2006
SKSharma